

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN

DUANE LEWIS,

Plaintiff,

vs.

MILWAUKEE BREWERS BASEBALL  
CLUB, L.P.,

Defendant.

Case No. 05-C-1330

**ANSWER AND AFFIRMATIVE DEFENSES**

The Milwaukee Brewers Baseball Club, L.P., by and through its attorneys, Foley & Lardner LLP, hereby answers plaintiff's complaint and asserts its affirmative defenses as follows:

1. Except to the extent dismissed pursuant to the Court's August 9, 2006 Order, denies the allegations of Paragraph 1.
2. Except to the extent dismissed pursuant to the Court's August 9, 2006 Order, denies the allegations of Paragraph 2.
3. Except to the extent dismissed pursuant to the Court's August 9, 2006 Order, denies the allegations of Paragraph 3.
4. Except to the extent dismissed pursuant to the Court's August 9, 2006 Order, denies the allegations of Paragraph 4.
5. Except to the extent dismissed pursuant to the Court's August 9, 2006 Order, denies the allegations of Paragraph 5.

**First Affirmative Defense**

Plaintiff's complaint fails to state a claim upon which relief may be granted.

**Second Affirmative Defense**

Plaintiff's claims are barred, in whole or in part, by the statute of limitations to the extent they arise out of acts or omissions that occurred before June 26, 2004.

**Third Affirmative Defense**

Plaintiff's claims must be dismissed because no similarly-situated person, outside of plaintiff's protected class, received more favorable treatment, and therefore plaintiff cannot establish a prima facie case of discrimination.

**Fourth Affirmative Defense**

Plaintiff's claims must be dismissed because plaintiff's employment was terminated for a legitimate, nondiscriminatory reason.

**Fifth Affirmative Defense**

Plaintiff's claims are barred, in whole or in part, by his failure to report promptly his claims and allegations under the Club's published harassment policy.

**Sixth Affirmative Defense**

Upon information and belief, plaintiff failed to mitigate his alleged damages, if any.

WHEREFORE, the Milwaukee Brewers Baseball Club, L.P. seeks judgment dismissing the plaintiff's complaint on its merits and with prejudice, awarding such costs and fees as may be allowable by law, and granting such other relief as the Court may deem just and appropriate under the circumstances.

Dated: August 9, 2006.

Respectfully submitted,

*Andrew J. Wronski*

---

Andrew J. Wronski WI Bar No. 1024029  
Foley & Lardner LLP  
777 East Wisconsin Avenue  
Milwaukee, WI 53202-5306  
414.271.2400  
414.297.4900

Attorneys for Defendant Milwaukee Brewers  
Baseball Club, L.P.